

## REMARKS

### Claim Objections

Objection has been made to claims 8 and 9 on the ground that “feedback information” in line 3 of claim 8 and line 4 of claim 9 should be preceded by “the” in order to make it expressly relate back to the mention of “feedback information” in the claim preamble. Applicants’ response is that the “feedback information” as recited in claim 8, line 3, and claim 9, line 4, relates to “at least a given wireless unit”. Thus, in general, only a subset of all possible feedback information is meant there. If Applicants were to recite “the feedback information” at claim 8, line 3, and claim 9, line 4, they might create the erroneous impression that what is meant is all possible feedback information. To avoid creating such an impression, and thus to meet the Examiner’s objection without unduly narrowing the claim, Applicants have instead amended the claims to recite “at least some said feedback information” at claim 8, line 3, and claim 9, line 4. Applicants respectfully submit that by so amending claims 8 and 9, they have met the Examiner’s objection.

### Claim Rejections

The currently pending claims have been rejected as anticipated by (claims 1-4 and 8-9) or obvious over (claims 5-7) ERICSSON TELEFON AB L M (WO 00 16513 A) (“Ericsson 16513”). Applicants respectfully traverse these rejections and beg for reconsideration in view of the remarks set out below.

Ericsson 16513 has been cited as disclosing a method in which mode information (equated by the Examiner to “rate” information) is received at a first rate, and in which channel adaptation takes place at a second rate not equal to the first rate. The Examiner points out that the first rate is variable, and might, for example, be once per  $n$  frames, where  $n$  is an integer such as 2. The Examiner further points out that Ericsson 16513 discloses the second rate as being “as quickly as possible” or “at every slot”.

It is important to note, however, that the channel adaptation is taking place in response to the receiving of the mode information. Thus, the channel is

quickly adapted each time mode information is received. In other words, the channel is adapted as frequently as mode information is received. But there is no suggestion to adapt the channel more often than the rate at which mode information is received.

Claim 1 of the present application has been amended to recite that the channel is adapted more frequently than the rate at which "rate information" is received. The other independent claims 7, 8, and 9 have been amended in substantially the same way.

Because Ericsson 16513 teaches only adaptation that is as frequent as the receiving of rate (or "mode") information, Ericsson neither anticipates nor suggests the present invention, and in fact teaches away from it.

Accordingly, Applicants respectfully submit that independent claims 1 and 7-9, together with claims 3-6 as depending from claim 1, are all patentable over Ericsson 16513 under the standards of 35 USC §§102(a) and 103(a).

Having responded to all points of objection and rejection, Applicants respectfully solicit allowance of all claims now pending.

Respectfully submitted,

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By



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